IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.11985 of 2004

Between:

V.Chandraiah S/o Yellaiah,
P.A.C.S., Badepally, Jadcherla Mandal, Mahaboobnagar District

..... PETITIONER.

AND

1.The Person-in -charge/ Chair Person, PACS., Badepally,

Badepally (Post),Jadcherla Mandal, Mahaboobnagar District.
2.The District Co-Operative Officer, Mahaboobnagar,

Mahaboobnagar District. **.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the order of 1st respondent as illegal, arbitrary and violative of Articles 14 and 16 of the constitution of India and contrary to item 2 of Bye-laws issued by Registrar of Co-Operative Societies and the same may be set aside and consequently direct the respondents to continue the petitioner as Attender of 1st Respondent Society until his retirement i.e., 30-11-2004 on attaining the age of superannuation.

Counsel for the Petitioner: Mr.S.SIVA PRASAD

Counsel for the Respondents: Mr.N.VASUDEVA REDDY for R.1.

GOVT. PLEADER FOR CO-

OPERATION for R.2

The Court made the following :

ORAL ORDER:

This writ petition is filed against the show cause notice issued by first respondent society dated 5-7-2004.

It is stated that as per the orders of the Government in G.O.Ms.No.94, Agriculture and Co-operation (Coop.VI) Department, dated 28-2-2004, only one Attender is to be appointed as per the staffing pattern and, therefore, the society has resolved to remove the petitioner from the post of Attender. Accordingly, the petitioner was issued a show cause notice and was asked to submit his explanation within seven days as to why his services shall not be terminated. It is further stated that the petitioner is senior to the other Attender and, therefore, the services of the junior have to be terminated. But while retaining the other Attender, Smt. Sarada, the services of the petitioner are sought to be terminated.

As it is only a show cause notice, I am not inclined to express any opinion and it is always open to the petitioner to file a detailed explanation before first respondent. On filing such explanation within seven days from the date of receipt of a copy of this order, first respondent may pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

10th August 2004. **(V.ESWARAIAH, J.)**

ARS

To

1.The Person-in -charge/ Chair Person, PACS., Badepally,

Badepally (Post),Jadcherla Mandal, Mahaboobnagar District.
2.The District Co-Operative Officer, Mahaboobnagar, Mahaboobnagar District.
3**.** Two CCs to Govt. Pleader for Co-operation, High Court Bldgs., Hyderabad (OUT).

4.Two C.D. copies.